

LABEL, IN PART: "Air-Ozone * * * Ozone Generator * * * Air-Ozone Company of Arizona * * * Tucson, Arizona."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the booklets accompanying the article were false and misleading. The statements represented and suggested that the device would assist health, prevent disease, and act as a specific in many diseases; that it was effective for adenitis, swelling of the breasts, angina pectoris, alopecia, falling of the hair, arthritis, asthma, arteriosclerosis, backache, biliousness, bronchitis, bursitis, colitis, colds, sore chest, constipation, dandruff, deafness, erysipelas, earache, eczema, high blood pressure, indigestion, jaundice, leucorrhea, mumps, nervousness, pleurisy, prostate trouble, pneumonia, pelvic disturbances, psoriasis, quinsy, sore throat, rheumatism, rectal disturbances, sleeplessness, sinus trouble, tuberculosis, varicose veins, and wrinkles; that it would prevent radiation disease and germ disease; that it was effective for severe skin burn, eye injury, kidney disturbances, and heart attack; that it was effective to build health, promote longevity, relieve all kinds of disease, and prevent cancer; and that it was effective in the treatment of carbon monoxide poisoning, diabetic ulcer, and shingles. The device was not capable of fulfilling the promises of benefit made for it, and it was not effective for the purposes stated and implied.

DISPOSITION: April 10 and May 19, 1952. Default decrees of condemnation. The court ordered that the devices be delivered to the Food and Drug Administration.

3780. Misbranding of Therm-Massage infrared heat applicators and hair and scalp kits. U. S. v. 221 Cartons, etc. (F. D. C. No. 32216. Sample Nos. 22851-L, 22852-L.)

LIBEL FILED: December 6, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about September 7 and 10, 1951, by Sibert & Co., from Newark and Fair Lawn, N. J.

PRODUCT: 221 cartons each containing 1 *Therm-Massage infrared heat applicator* and 27 *hair and scalp kits*, at New York, N. Y., together with a number of circulars headed "Amazing New Scientific Invention Uses Powerful Infra-Red heat Plus Massage" and "Now! You can help to stop Baldness" and a scroll headed "The Famous Sibert Hair and Scalp Conditioner."

The *Therm-Massage infrared heat applicator* consisted of two pieces of molded bakelite, one serving as a handle and the other containing an electrically heated coil. The *hair and scalp kit* was a combination package containing 1 *Therm-Massage infrared heat applicator*, 2 small scalp massagers, and 1 jar of a salve.

RESULTS OF INVESTIGATION: The circulars were shipped with the consignment of devices which was shipped on September 10, 1951. Some of the circulars were displayed in the dealer's window with the products, and others were retained to be given to purchasers inquiring about the products. The scroll was made by the dealer and was displayed in his window.

LABEL, IN PART: (Carton) "Infra-Red Therm-Massage Heat Applicator"; (kit) "Hair and Scalp Conditioner Infra-red Heat-Massage Method"; and (jar) "Sibert Hair and Scalp Emollient."

NATURE OF CHARGE: Misbranding, Section 502 (a), the following statements in the circulars accompanying the devices were false and misleading since the device was not effective in the treatment of the conditions stated and implied and was not capable of fulfilling the promises of benefit made for it: (Circulars entitled "Amazing New Scientific Invention Uses Powerful Infra-Red Heat plus massage!") "Amazing New Scientific Invention Uses Powerful Infra-Red Heat plus massage! Therm-Massage Infra-Red Heat Applicator Wonderful Relief Comfort for - sinus - sprains * * * leg cramps * * * colds - backache - rheumatism - aching muscles - arthritis - stiff neck - aching joints - neuritis - foot cramps * * * Grateful Users Say. 'My sinus was relieved the first night I used your New Heat Applicator.' Mrs. R. 'It gave me the only relief I have from sinus pain.' Mrs. J. 'It has helped me with a strained left leg.' Mrs. B. Heat Massage Those Pains Away! If you suffer from aches and pains due to * * * toothaches, etc., that need soothing heat and massage, try this amazing new scientific invention. Discover How 'Therm Massage' relieves and relaxes * * * aching nerves * * * After I retire I use it about 20 minutes, then I rest all night. Before I got one of these I had to sleep in a rocking chair * * *"; (circulars entitled "Now! You can help to Stop Baldness * * *") "Now! You can help to Stop Baldness! Dandruff! * * * Excessive Falling Hair! With the New Sibert Hair & Scalp Conditioner * * * We have letters from users who also report that Sibert's Home Kit Has Grown Hair! * * * By the Infra Red Heat Massage Method * * * Both men and women have experienced amazing results with this easy to do 3-step treatment which gave them healthy hair * * * The dry gentle heat of Sibert's applicator * * * awakens dormant 'seeds' in the scalp, thus encouraging them to grow hair once more * * * Sibert's applicator also brings new blood to the scalp to add nourishment to the hair * * * Sibert's sensational new method which by conscientious and persistent use will promote and stimulate handsome, healthy hair * * *"; and (kit label) "Amazing New Hair & Scalp Conditioner Infra-Red Heat-Massage Method Scientists state that hair will continue to grow as long as the hair follicle remains healthy and a proper blood supply is fed to the Papilla. We believe that in many bald or partially bald people the Hair Follicles are still alive (possible just dormant) even though no hair is growing from them. * * * Only Nature Can Grow Hair. Science Can Help. We believe this to be a sensible scientific approach." The device was misbranded in the above respects when introduced into and while in interstate commerce.

Misbranding (hair and scalp kits), Section 502 (a), the statement "The Famous Sibert Hair & Scalp Conditioner Helps Stop Baldness" appearing on the scroll accompanying the kits was false and misleading since the kits were not effective to help stop baldness. The kits were misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: May 1, 1952. Default decree of condemnation and destruction.